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09/785,010	02/16/2001	James McCoy	A0647-991100	4071

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DLA PIPER RUDNICK GRAY CARY US, LLP  
2000 UNIVERSITY AVENUE  
E. PALO ALTO, CA 94303-2248

EXAMINER
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ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/785,010  
Filing Date: February 16, 2001  
Appellant(s): MCCOY ET AL.

**MAILED**

**JUL 06 2007**

**GROUP 3600**

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DAVID ALBERTI  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed January 1<sup>st</sup>, 2007 appealing from the Office action mailed January 9<sup>th</sup>, 2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

No amendment after final has been filed.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

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**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

See final action mailed January 9<sup>th</sup>, 2006

**(10) Response to Argument**

Claim chart

Broadest claim 22

Claimed Limitation	Prior art Saylor (U.S. Patent No 6,888,929 B1)
A distributed system for publishing and retrieving content in a network	Figs 1 and 2, show a system 10 comprises one or more VNAPs 12 connectable to a plurality of users 14 over a communications network 16. Each VNAP 12 may comprise a plurality of VNAP databases 18. Additionally, VNAP 12 may connect over a communications network 20 to one or more VPage server systems 22 and a VCode registration system 24. Through VCode system 10, users 14 connect to the VNAP 12 to receive content corresponding to one or more selected VCodes.
a plurality of computer systems connected together in a peer-to-peer fashion and having characterized network resources including any of disk space, bandwidth, and CPU cycles for performing peer-to-peer interactions across the network	Figs 1 and 2, show a system 10 comprises one or more VNAPs 12 connectable to a plurality of users 14 over a communications network 16. Each VNAP 12 may comprise a plurality of VNAP databases 18. Additionally, VNAP 12 may connect over a communications network 20 to one or more VPage server systems 22 and a VCode registration system 24. Through VCode system 10, users 14 connect to the VNAP 12 to receive content corresponding to one or more selected VCodes.
wherein the network resources can be contributed to the network by one or more contributing computer systems in return for a predetermined amount of credits,	See figs 14A, and 14B  server 22 may also comprise a content provider web interface 65 that enables content providers to be able to input VPage content into the system.

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<p>wherein the credits are accumulated by the contributing computer systems contributing network resources to the network,</p>	<p>Specifically, a web base interface may be provided to enable content providers to be able to specify various information about a VPage that they are providing to the network.</p> <p>any number of billing and/or fee arrangements may be used to generate and distribute revenues amongst the various VCode participants within the system. For example, a flat fee may be paid to each of the VPages visited, a pro rata fee based on the period of time a user participates in the system may be provided, etc. Each VPage may then allocate the fees it receives to the various VPages referenced therein according to a predetermined schedule and each VPage may then accordingly allocate fees to each VPage it has participating within its menu system based on a predetermined schedule. As such, content providers are given an incentive to participate because they receive fees for visitation to their VPage. Further, various entities may host VCode displays. Such entities may receive a portion of fees. The subject about which content is posted may also receive fees based on access to content.</p>
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Applicant argue that the prior art fail to teach

1. Contributing network resources to a network.

Examiner respectfully disagrees with Applicant characteristic of the prior art. Saylor et al teach among other thing providing pages of voice content when users input a voice code corresponding to that content. Since Saylor's system is a network with user and providers, the content provided by the provider is provided to the network.

2. Earning credits by contributing network resources to a network.

Examiner respectfully disagrees with Applicant characteristic of the prior art. Saylor et al teach among other thing system and method for generating revenue from

providing pages of voice content when users input a voice code corresponding to that content.

3. A distributed system for publishing and retrieving content via peer-to-peer interactions across a network.

Examiner respectfully disagrees with Applicant characteristic of the prior art. Saylor et al teach among other thing A fee is collected based on the information retrieved and may be distributed between participants with the voice network access provider system.

4. The record contains no basis for rejecting the claim element as indefinite.

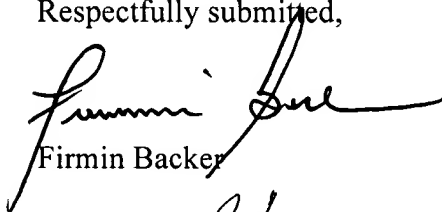
Examiner respectfully disagrees with Applicant. Claim 22 is indefinite because it fail to define the limitation of “ having characterized network resources including...” as indicate in the Examiner final office action. This limitation is vague and indefinite.

**(11) Related Proceeding(s) Appendix**

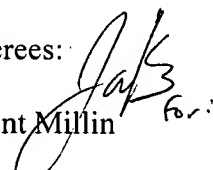
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
Firmin Backer

Conferees:

  
Vincent Millin

  
Andrew Fischer